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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,288	02/09/2001	Harihara Rama Subramanian	010814.000010	6769

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ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/780,288

Applicant(s)

SUBRAMANIAN ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to a communication made on February 9, 2001.

The Specification was received on August 3, 2001.

The Power of Attorney was received on September 11, 2002.

Claims 1 – 18 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit (6157636).

Regarding claims 1 and 10, Voit discloses a method, comprising the steps of monitoring, by a network access controller, data being transmitted from and received by a client system (Column 9, lines 1 – 17); receiving, in the network access controller, a request from the client system for a data service to be provided by a server system (Column 5, lines 61 – 67), the request being directed to the server system; determining if the client system is authorized for the data service; if the client system is authorized for the data service, then sending the request to the server system (Column 5, lines 60 – 67).

Regarding claims 2 and 11, Voit discloses that the network access controller monitors individual packets passing between the client and the server (Figure 4, where it mentions IP Access Network Functions includes a firewall).

Regarding claims 3 and 12, Voit discloses that the network access controller identifies the request by analyzing each packet transmitted from the client system (Column 10, lines 45 – 51).

Regarding claims 4 and 13, Voit discloses that the network access controller determines if the client system is pre-authorized for the data service (Column 5, lines 59 – 65).

Regarding claims 5 and 14, Voit discloses that the network access controller determines if the client system is authorized by for a data service by requesting authorization from a management system (Column 5, lines 59 – 65).

Regarding claims 6 and 15, Voit discloses that the client system is authorized for a data service after a credit determination (Column 6, lines 61 – 65).

Regarding claims 7 and 16, Voit discloses that the user of the client is billed according to the specific data services authorized for the client system (Column 6, lines 18 – 32).

Regarding claims 8 and 17, Voit discloses that the network access controller discards any request from the client system which is not authorized (Column 6, lines 63 – 65; where network access won't be negotiated if not authorization is granted).

Regarding claims 9 and 18, Voit discloses the step of storing, in the network access controller, statistical data relating to the data services delivered to the client system (Column 5, lines 65 – 67).

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5845267 issued to Ronen, where the gateway analyzes packets, authorizes them, and can secure and bill for data services.

U. S. Patent No. 6321338 issued to Porras, where the monitor analyzes each packet individually and discards none authorized ones and keeps statistics.

U. S. Patent No. 5884025 issued to Baehr, because the network monitor scans each packet individual and checks for requests and services.

U. S. Patent No. 6453345 issued to Trcka, because it passively monitors each packet and checks for authenticity.

U. S. Patent No. 5796942 issued to Esbensen, because it interfaces with a user and monitors and authorizes each packet transmitted and received.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
July 15, 2004

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**